

S. 1399

At the request of Mr. THOMAS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1399, a bill to improve the results the executive branch achieves on behalf of the American people.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Ms. SNOWE, Ms. CANTWELL, Mr. BOND, Mr. BURNS, Mr. LEAHY, Mr. JEFFORDS, Mr. CARPER, Mr. BINGAMAN, and Mr. ROCKEFELLER):

S. 1411. A bill to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, I am pleased to join my distinguished colleague from Maine and Chair of the Small Business and Entrepreneurship Committee, Senator OLYMPIA J. SNOWE, in reintroducing the National Small Business Regulatory Assistance Act. This bill has a long history of bipartisan support in Congress because of the critical assistance it provides to small businesses.

Small businesses, particularly small businesses with very few employees, often are overwhelmed with the task of complying with Federal regulations, especially when implementation varies for different regions of the country, or from State to State. Many small businesses fail to comply with important and needed labor and environmental regulations not because they want to break the law, but because they are unaware of the actions they need to take to comply. In addition, small business owners are often afraid to seek guidance from Federal agencies for fear of exposing problems at their businesses.

One important way to help small businesses comply with Federal regulations is to provide them with free, confidential advice outside of the normal relationship between a small business and a regulatory agency. The Small Business Administration's Small Business Development Centers, SBDCs, are in a unique position to provide this type of assistance, with some 1,000 centers around the country, well-established relationships and visibility within local communities, and the trust of area small businesses.

Our bill establishes a 4-year pilot program to award competitive matching grants to 20 selected SBDCs, two from each SBA region, which would allow these SBDCs to provide regulatory compliance assistance to small businesses. The SBA would be authorized to award grants between \$150,000 and \$300,000, depending on the population of the SBDC's state.

Under our legislation, the SBDCs would need to form partnerships with

Federal compliance programs, conduct educational and training activities, offer free-of-charge compliance counseling to small business owners, and consult with the SBA's independent Office of Advocacy. The legislation will complement, not duplicate, current small business development assistance and expand upon existing regulatory compliance help.

The legislation we are reintroducing today uses only SBA funds and will serve to complement current small-business development assistance as well as existing compliance assistance programs. Versions of this legislation introduced in previous Congresses had used Environmental Protection Agency, EPA, enforcement funds to pay for these grants.

The SBA's independent Office of Advocacy estimates that small businesses with fewer than 20 employees—which make up 89 percent of all U.S. businesses—pay nearly \$7,000 per employee to comply with Federal regulations. This is nearly 60 percent higher than the cost to larger firms. While all small businesses should be complying with Federal regulations, the Federal Government should also do its best to ensure that the burden on small businesses is minimized, that small businesses are taken into account when new regulations are drafted, and that unnecessarily burdensome regulations are eliminated. In addition, the government should make sure that small businesses understand the regulations. Often, noncompliance is due to confusion not ill intent. By providing free, private regulatory assistance, we can increase compliance while decreasing the burden on small businesses.

Small-business owners have enough on their plates without worrying about complying with confusing regulations. This legislation will decrease the burden on small businesses by helping them cut through government red tape. Small businesses can succeed when it comes to complying with Federal regulations, if provided with the necessary tools and information. The National Small Business Regulatory Assistance Act will go a long way toward assisting our Nation's small businesses that want to comply with Federal regulations.

The legislation we are introducing today is nearly identical to the Kerry-Ensign legislation introduced last Congress. On the House side, the National Small Business Regulatory Assistance Act, H.R. 230, has been introduced and passed by Congressman John Sweeney of New York in each of the past three Congresses and was just approved by the Small Business Committee yesterday. In 2002, our Senate version passed the Committee on Small Business and Entrepreneurship but was not taken up by the full Senate.

I am pleased to say that we have the full support of the Association of Small Business Development Centers, which has been working closely with us to reintroduce the Senate version of this

legislation, as well as support from the National Small Business Association, the American Industrial Hygiene Association, and Congressman Sweeney.

I want to express my sincere thanks to Chair SNOWE for her hard work and support on this issue. I also want to thank our cosponsors, Senators CANTWELL, BOND, BURNS, LEAHY, JEFFORDS, CARPER, BINGAMAN, and ROCKEFELLER for their ongoing efforts to pass this important assistance. I urge all of my colleagues to support this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Small Business Regulatory Assistance Act of 2005".

SEC. 2. PURPOSE.

The purpose of this Act is to establish a 4-year pilot program to—

- (1) provide confidential assistance to small business concerns;
- (2) provide small business concerns with the information necessary to improve their rate of compliance with Federal and State regulations derived from Federal law;
- (3) create a partnership among Federal agencies to increase outreach efforts to small business concerns with respect to regulatory compliance;
- (4) provide a mechanism for unbiased feedback to Federal agencies on the regulatory environment for small business concerns; and
- (5) expand the services delivered by the Small Business Development Centers under section 21(c)(3)(H) of the Small Business Act to improve access to programs to assist small business concerns with regulatory compliance.

SEC. 3. SMALL BUSINESS REGULATORY ASSISTANCE PILOT PROGRAM.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

- (1) ADMINISTRATION.—The term "Administration" means the Small Business Administration.
- (2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers.
- (3) ASSOCIATION.—The term "association" means the association established pursuant to section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) representing a majority of Small Business Development Centers.
- (4) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term "participating Small Business Development Center" means a Small Business Development Center participating in the pilot program established under this Act.
- (5) REGULATORY COMPLIANCE ASSISTANCE.—The term "regulatory compliance assistance" means assistance provided by a Small Business Development Center to a small business concern to assist and facilitate the concern in complying with Federal and State regulatory requirements derived from Federal law.

(6) SMALL BUSINESS DEVELOPMENT CENTER.—The term "Small Business Development Center" means a Small Business Development Center described in section 21 of the Small Business Act (15 U.S.C. 648).

(7) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

(b) AUTHORITY.—In accordance with this section, the Administrator shall establish a pilot program to provide regulatory compliance assistance to small business concerns through participating Small Business Development Centers.

(c) SMALL BUSINESS DEVELOPMENT CENTERS.—

(1) IN GENERAL.—In carrying out the pilot program established under this section, the Administrator shall enter into arrangements with participating Small Business Development Centers under which such Centers shall—

(A) provide access to information and resources, including current Federal and State nonpunitive compliance and technical assistance programs similar to those established under section 507 of the Clean Air Act Amendments of 1990 (42 U.S.C. 7661f);

(B) conduct training and educational activities;

(C) offer confidential, free-of-charge, one-on-one, in-depth counseling to the owners and operators of small business concerns regarding compliance with Federal and State regulations derived from Federal law, provided that such counseling is not considered to be the practice of law in a State in which a Small Business Development Center is located or in which such counseling is conducted;

(D) provide technical assistance;

(E) give referrals to experts and other providers of compliance assistance who meet such standards for educational, technical, and professional competency as are established by the Administrator; and

(F) form partnerships with Federal compliance programs.

(2) REPORTS.—Each participating Small Business Development Center shall transmit to the Administrator and the Chief Counsel for Advocacy of the Small Business Administration, as the Administrator may direct, a quarterly report that includes—

(A) a summary of the regulatory compliance assistance provided by the Center under the pilot program;

(B) the number of small business concerns assisted under the pilot program; and

(C) for every fourth report, any regulatory compliance information based on Federal law that a Federal or State agency has provided to the Center during the preceding year and requested that it be disseminated to small business concerns.

(d) ELIGIBILITY.—A Small Business Development Center shall be eligible to receive assistance under the pilot program established under this section only if such Center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(e) SELECTION OF PARTICIPATING STATE PROGRAMS.—

(1) GROUPINGS.—

(A) CONSULTATION.—In consultation with the association, and giving substantial weight to the recommendations of the association, the Administrator shall select the Small Business Development Center Programs of 2 States from each of the groups of States described in subparagraphs (B) through (K) to participate in the pilot program established under this section.

(B) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(C) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(D) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Vir-

ginia, the District of Columbia, and Delaware.

(E) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(F) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(G) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(H) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(I) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(J) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(K) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(2) DEADLINE FOR SELECTION.—The Administrator shall make selections under this subsection not later than 60 days after the date of publication of final regulations under section 4.

(f) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the pilot program established under this section.

(g) GRANT AMOUNTS.—Each State program selected to receive a grant under subsection (e) shall be eligible to receive a grant in an amount equal to—

(1) not less than \$150,000 per fiscal year; and

(2) not more than \$300,000 per fiscal year.

(h) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(1) not later than 30 months after the date of disbursement of the first grant under the pilot program established under this section, initiate an evaluation of the pilot program; and

(2) not later than 6 months after the date of the initiation of the evaluation under paragraph (1), transmit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(A) the results of the evaluation; and

(B) any recommendations as to whether the pilot program, with or without modification, should be extended to include the participation of all Small Business Development Centers.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) \$5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(B) \$5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the pilot program established under this section only with amounts appropriated in advance specifically to carry out this section.

(j) TERMINATION.—The Small Business Regulatory Assistance Pilot Program established under this section shall terminate 4 years after the date of disbursement of the first grant under the pilot program.

SEC. 4. RULEMAKING.

After providing notice and an opportunity for comment, and after consulting with the association (but not later than 180 days after the date of enactment of this Act), the Administrator shall promulgate final regulations to carry out this Act, including regulations that establish—

(1) priorities for the types of assistance to be provided under the pilot program established under this Act;

(2) standards relating to educational, technical, and support services to be provided by participating Small Business Development Centers;

(3) standards relating to any national service delivery and support function to be provided by the association under the pilot program;

(4) standards relating to any work plan that the Administrator may require a participating Small Business Development Center to develop; and

(5) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for compliance assistance under the pilot program.

By Mr. DORGAN:

S. 1412. A bill to prohibit the merger, acquisition, or takeover of Unocal Corporation by CNOOC Ltd. of China; to the Committee on the Judiciary.

Mr. DORGAN. Mr. President, today I am introducing a piece of legislation that deals with the issue of a Chinese oil company called CNOOC, a state-owned corporation that has proposed to acquire a United States oil company called Unocal.

The purpose of my legislation—and I may well also offer it as an amendment to the Foreign Operations appropriations bill we will consider today and next week—is to prohibit the sale of Unocal Corporation to CNOOC. The legislation provides that notwithstanding any other provision in the law, the merger, acquisition, or takeover of Unocal Corporation by CNOOC is prohibited. Let me explain why I am introducing.

I bear no ill will toward the Chinese. China is an extraordinarily large country. The Chinese have an extraordinary rate of economic growth. They are very involved in the world economy. We have a large trade deficit, regrettably, with the Chinese. That has to do with a range of unfair trade practices and other things. We had a \$162 billion trade deficit with the Chinese in the past year. This year it is on track to top \$200 billion.

I understand what the Chinese are trying to do. They are trying to meet their future energy needs. They have four large state-owned energy companies. Their companies, including CNOOC, are attempting to acquire in many different ways opportunities to satisfy their energy needs. In attempting to acquire Unocal, they are attempting to acquire a U.S. corporation with substantial strategically important oil assets for our country.

The reason I believe we ought to prohibit the sale of an American oil company to a Chinese state-owned oil company is this: There is not and would not be reciprocal treatment. If a United States oil company or a United States company wanted to buy a Chinese oil company, it wouldn't happen. The Chinese Government wouldn't approve it. The four large oil companies in China are all state controlled, and as

a practical matter, the Chinese government is not about to approve that any of those companies be purchased by a foreign government or foreign company. There is no reciprocal opportunity for a United States corporation to acquire an oil company in China.

The Chinese Government is a Communist government. Its economy is emerging as market-driven economy under the umbrella of the Chinese Government. That causes a lot of tensions and interesting circumstances. The Chinese have joined the WTO. They have made all kinds of representations about opening their marketplace. But the fact is, once again, the largest oil companies, like most other major enterprises in China, are state controlled. It makes no sense that we would allow a Chinese state-controlled oil company to acquire, in this case Unocal, a United States oil company at a time when we would not be able to reciprocate and we would be prevented from acquiring a Chinese oil company if we wished to do so.

I don't know what the administration's position would be on this. They have a review process. To the extent that the review process takes place, I believe that review process ought to be expanded. But I hope we can avoid all of that by simply deciding as a Congress this is not something that meets our national interest. Our strategic, security, and economic national interest is not served by allowing this to happen.

I am introducing this legislation today, and I know that there are many Members of Congress who share my view that this is not a transaction that meets the strategic, security, and economic interests of this country. We must trade with China. China is an emerging nation with a very substantial imprint on the world economy. The free flow of commerce and market capital is important. I understand that. This legislation that I am offering is not in any way an attempt to send a message that we do not want good trade relations with China. But it is very much intended to send this message: reciprocal opportunities ought to exist in these transactions, and they would not and do not in this case involving CNOOC and Unocal.

It is also important to point out that the money with which CNOOC, a Chinese state-controlled oil company, would purchase a United States oil corporation would be in many ways attributable to deep subsidies by the Government of China for a state-owned enterprise in China that wishes to acquire a United States oil company.

For that reason I will introduce this bill today. I may well also offer it as an amendment to the appropriations bill on Monday.

By Mr. HATCH:

S. 1414. A bill to provide for the conduct of a study of the suitability and feasibility of establishing the Trail of the Ancients National Heritage Area in

the Four Corners region of the States of Utah, Colorado, Arizona, and New Mexico; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today to introduce S. 1414, a bill that authorizes a study necessary for establishing the Trail of the Ancients National Heritage Area in the Four Corners region of the States of Utah, New Mexico, Colorado, and Arizona. I am joined by Senators BENNETT, BINGAMAN, DOMENICI, and ALLARD as cosponsors of this bill.

The Four Corners region in the Southwestern United States contains many of the most stunning and well-preserved archaeological sites in our country. It also offers monuments, museums, and other attractions which draw visitors from all over the world. The rare archaeology of this part of the world combined with an awesome natural setting makes this a region like no other. With this bill we hope to lay the groundwork to give this region the attention that it so richly deserves.

Six years ago, Congress voted to support a partnership among these four States and the Federal Government in order to construct an Interpretive Center at the intersection of the Four Corners. This Center has recently opened and now provides a wonderful physical locus for travel in the region. Visitors to this spot can stop, rest, learn about the area, and purchase goods produced by the local Tribes.

The designation of the surrounding region as a National Heritage Area would complement this experience at the Center and is the logical next step. Designation as a National Heritage Area would provide geographic and interpretive coherence to the region's remarkable landscape and the amazing cultural sites dispersed within it. Designation as a National Heritage Area would give visitors to this area an experience that integrates land, people, and history in a meaningful way.

The Four Corners region is also home to the Navaho, Hopi, and Ute Indian Tribes, whose ancestors contributed to this remarkable heritage. Ancestral Puebloan Indians lived here from about A.D. 1 to 1300 and left many of the distinctive sites and structures that are visible today. The Navaho and Ute are descendants of these early peoples. The history of this area stretches even further back in time, to the Paleo-Indian era of at least 10,000 years ago. Remains from this era provide a glimpse into a way of life very different from today. The area also features sites that chronicle the more recent history of the region's native peoples, and of the immigrants who came to this area as our country expanded to the West.

This bill provides for the Secretary of the Interior to conduct the suitability and feasibility study in cooperation with the Four Corners Heritage Council. This Council is a critical partner in the study, and is prepared to take the lead in this task. The Council consists of members from all four States in the

Four Corners area. These members are appointed by the governor of each State and include representatives from the private sector, local communities, and the Tribes. We are fortunate to have such a well-established entity with a good track record of accomplishments to take on the study task.

The bill follows the new guidelines for National Heritage Areas recently passed by this body and was crafted in consultation with the National Park Service and the Four Corners Heritage Council. Once passed, this bill should move easily through the process to completion. Final designation of this area as the Trail of the Ancients National Heritage Area would link many of the cultural and recreational sites in the region for the benefit of local communities and visitors to the area. Designation of the area would not impose restrictions on private property or require acquisition of additional land.

S. 1414 is the first step in the national heritage area designation process. Designation of this area as the Trail of the Ancients National Heritage Area would give these remarkable historic treasures the national prominence they deserve, and would provide a structure for the State and local communities to promote heritage tourism and economic development. I urge my colleagues to support this bill.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1226. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1227. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 3057, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1226. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table, as follows:

On page 326, between lines 10 and 11, insert the following:

SUPPORT FOR DEMOCRACY IN IRAN

SEC. 6113. (a) \$10,000,000 shall be made available to the Department of State for the President to provide, notwithstanding any other provision of law, financial and political assistance, including the awarding of grants, to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance may include the awarding of grants to independent pro-democracy radio and television broadcasting organizations that broadcast into Iran.

(b) Financial and political assistance may be provided under this section to any individual, organization, or entity that, as determined by the President—